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Sl. No: 187

19~~52~~ 48-52

File No. 231/48

P W.

B CLASS

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DEPARTMENT

BRANCH

Subject:— Leave Rules New Orders in Con. with

B[K] 1952

EB

File No. 231/48

Sta. Sectt. Slip 24-A

Std. Sectt. 78 a.

G.R., G.D., No. 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET

Subject :—

File No. 231/48

P. W.

DEPT.

E

BRANCH.

References :—

Copies from the original file B[M.].

Date.	To whom sent.	Notes and instructions.

Extent to which a Government servant re-employed immediately after retirement can avail himself during the period of re-employment of the leave earned before retirement and refused under Bombay Civil Services Rule 753, in combination with leave earned durin re-employment.

GOVERNMENT OF BOMBAY.

FINANCE DEPARTMENT.

Resolution No. 2706.

Bombay Castle, 10th Nov. 1948.

RESOLUTION OF GOVERNMENT.

Government has had under consideration the question of limiting the total period of leave on average pay, in combination with earned leave, of which, a Government servant who has retired, and has immediately been re-employed, can avail himself at a time, in a case where he was refused leave under Bombay Civil Services Rule 753 before retirement, and was permitted to enjoy that refused leave during the period of his re-employment. It has now been decided that such a re-employed Governmen servant should not be granted a greater concession in the matter of leave than a Government servant allowed, on public grounds, an extension of service beyond the date of his ~~superan~~ compulsory retirement, whose leave on average pay is limited at one time, under Bombay Civil Services Rule 753(b), to six months if he is governed by Special Leave Rules and to four months if by the Ordinary Leave Rules. Thus while the total leave admissible in such a case will be the total of the leave refused under Bombay Civil Services Rule 753 and of the leave earned during the period of re-employment, combination of leave on average pay and earned leave at any one time during the period of re-employment will ~~be~~ be restricted as indicated below:-

(a) for a Government servant governed before retirement ~~with~~ by the Special Leave Rules- six months.

(b) .....

(b) for a Government servant governed before retirement ~~x~~ either by the Ordinary Leave Rules in the Bombay Civil Services Rules or by the Leave Rules in the Civil Regulations-four months.

2. In the case of a Government servant whose application for leave preparatory to retirement was made between 31st October 1945 and 31st March 1947 and who was not granted, during the pefiod of re-employment the concession of earning leave under Government Resolution, Finance Department, No. 2706, dated 24th April 1946, the maximum limit of rour months referred to in paragraph 1(b) above will be increased to the extent indicated in Government Resolution, Finance Department, No. 6197/33, dated 23rd August 1947.

3. During the periods of leave in all these cases, leave salary for periods of earned leave willbe determined with reference to the Revised Leave Rules, and for periods of leave on average pay and half-average pay will be calculated on the pay for the relevant periods immediately before the Government servants's retirement.

By order of the Governor of Bombay,

Sd. D.H. DAMLE,

Under Secretary to Government.

G.R., No. 2706, F.D., dated the 10th November 1948.

To

The Accountant General, Bombay,

The Private Secretary to His Excellency the Governor of Bombay,

*The Prothonotary and Senior Master, His Majesty's High Court, Bombay,

*The Registrar of His Majesty's High Court of Judicature, Appellate Side, Bombay,

All Departments of the Secretariat,

All Heads of Departments under the Serval Departments of the Secretariat.

By letter.

No. of 1948.

Copy forwarded for information and guidance to -

(Below copy of Government of India, Ministry of Finance, Office Memorandum, No. F. 7(70)-Est.IV/47, dated 23rd June 1948).

No. 2706-C.

FINANCE DEPARTMENT.

Bombay Castle, 10th November 1948.

Forwarded for information and guidance to :

The Accountant General, Bombay;

*The Registrar of His Majesty's High Court of Judicature, Appellate Side, Bombay;

*The Prothonotary and Senior Master, His Majesty's High Court, Bombay;

All Heads of Departments under several departments of the Secretariat;

All Officers of the Indian Civil Service on the Bombay Establishment;

All Officers of the Indian Agricultural Service on the Bombay Establishment;

All Officers of the Indian Veterinary Service on the Bombay Establishment;

All Officers of the Indian Forest Service on the Bombay Establishment;

All Officers of the Indian Police Service on the Bombay Establishment;

All Officers of the Indian Educational Service on the Bombay Establishment;

All Officers of the Indian Medical Service on the Bombay Establishment;

All Officers of the Indain Service of Engineers on the Bombay Establishment;

All Departments of the Secretariat;

in continuation of Government endorsement, Finance Department, No. 6197/33-C, dated 23rd August 1947.

* By letter.

By order of the Governor of Bombay,

Sd. D.H. DAMLE,

Under Secretary to the Government of Bombay,
Finance Department.

P.T.O.

No. F. 7(70) Est. IV/47.

GOVERNMENT OF INDIA.

MINISTRY OF FINANCE.

New Delhi, the 23rd June 1948.

OFFICE MEMORANDUM.

Subject:- Extent to which a Government servant re-employed immediately after retirement can avail himself of during the period of re-employment of the leave earned before retirement and refused under F.R. 86, in combination with leave earned during re-employment.

The Government of India have had under the consideration the question of limiting the total period of leave on average pay, in combination with earned leave, of which, a Government servant who has retired, and has immediately been re-employed, can avail himself at a time, in a case where he was refused leave under F.E. 86 before retirement and was permitted to enjoy that refused leave during the period of his re-employment. It has now been decided that such a re-employed Government servant should not be granted a greater concession in the matter of leave than a Government servant allowed, on public grounds, an extension of service beyond the date of his compulsory retirement, whose leave on average pay is limited at one time, under 86(b) to six months if he is governed by the Special Leave Rules and to four months if by the Ordinary Leave Rules. Thus while the total leave admissible in such a case will be the total of the leave refused under F.R. 86 and of the leave earned during the pefiod of re-employment, combination of leave on average pay and earned leave at any one time during the pefiod of re-employment will be restricted as indicated below:-

(a) for a Government servant governed before retirement by the Special Leave Rule-six months;

(b) for a Government servant governed before retirement either by the Ordinary Leave Rules in the Fundamental Rules,or by the Leave Rules in the Civil

Regulations - four months,

2. If an officer was eligible before retirement for war concessional leave in accordance with the orders contained in Finance Department Letter No. F. 44(11)-W/44, dated the 23rd August 1944, but had been refused the leave, he will be allowed to add that leave to the period of leave on average pay mentioned in paragraph 1 above, even if the total period of leave on average pay exceeds six months in the case of (a) and four months or six months where paragraph 3 below applies in the case of (b). This leave should, however, be availed of before the end of September 1948, and will otherwise be governed by the condition mentioned in the Finance Department letter No. F 7(15)-E.II/46, dated the 16th September 1946.

3. In the case of a Government servant whose application for leave preparatory to retirement was made between the 31st July 1945 and the 31st March 1947, and who was not granted, during the period of re-employment, the concession of earning leave under the Finance Department Office Memorandum No. D. 809-E II/46, dated the 28th January 1946, the maximum limit of four months referred to in paragraph 1 (b) above will be increased to the extent indicated in the Finance Department letter No. F. 12(2)-WII/45, dated the 4th July 1947.

4. During the periods of leave in all these cases, leave salary for periods of earned leave will be determined with reference to the Revised Leave Rules, and for periods of leave on average pay and half average pay will be calculated on the pay for the relevant periods immediately before the Government servant's retirement.

Sd. C.S. MENON.

Deputy Secretary to the Government of India.

.....

For further orders Pl see G.R.F.D. No. 2112 2354 dated 8-6-54 (5-54/41814).

For further orders Pl See G.R.F.D. No. 6567/33 dt. 28-4-1949 (231/48/82/46) and G.R.F.D. No. 2706 dt. the 5-1-51 (231/48/82/46) and G.R.F.D No. 6561/53 dt. the 22-2-51 (231/48/25072).

Leave rules. Liberalisation of - in the light of the recommendations of the Central Pay Commission.

GOVERNMENT OF BOMBAY.
FINANCE DEPARTMENT.
Resolution No. 6567/33.
Bombay Castle, 28th April 1949.

The Government of Bombay has had under consideration the recommendations of the Central Pay Commission in respect of the leave rules applicable to employees of the Central Government. These recommendations have been accepted by the Government of India with slight modifications. It has been decided that the recommendations as modified by the Government of India should be adopted in this Province. Government is accordingly pleased to direct the Revised Leave Rules, 1935., shall be modified to the extent indicated below.

SECTION I.- *Government Servants in permanent employ. Earned leave.*

2. The earned leave admissible to a Government servant in permanent employ will be -

(a) to a Government servant in Provincial or Class III Service - one-eleventh of the period spent on duty,

(b) to a Government servant in Class IV Service-

(1) one-twenty second of the period spent on during the first ten years of service;

(2) one-sixteenth of the period spent on duty during the years of service;

and

(3) one-eleventh of the period spent on duty thereafter.

3. A Government servant will cease to earn such leave when the earned leave due amounts to -

(a) 120 days in the case of a Government sergant in Provincial or Class III Service.

(1) 60 days during the first ten years of service

For further orders pl. see G.R.F.D. No. 6567/33 dt. 28-4-1949 (231/48/8248) and

For further orders pl. see G.R.F.D. No, LVL 2354 dated 8-6-54 (S-54/91594)

Leave rules.
Liberalisation of - in the light of the recommendations of the Central Pay Commission.

G.R. F.D. No. 2706 dt. the 5-1-51 (231/48/8248) and G.R. F.D. No, 6561/33 dt. the 22-2-51 (231/48/25072).

GOVERNMENT OF BOMBAY.

FINANCE DEPARTMENT.

Resolution No. 6567/33.

Bombay Castle, 28th April 1949.

The Government of Bombay has had under consideration the recommendations of the Central Pay Commission in respect of the leave rules applicable to employees of the Central Government. These recommendations have been accepted by the Government of India with slight modifications. It has been decided that the recommendations as modified by the Government of India should be adopted in this Province. Government is accordingly pleased to direct the Revised Leave Rules, 1935., shall be modified to the extent indicated below.

SECTION I.- Government Servants in permanent employ. Earned leave.

2. The earned leave admissible to a Government servant in permanent employ will be -

(a) to a Government servant in Provincial or Class III Service - one-eleventh of the period spent on duty,

(b) to a Government servant in Class IV Service-

(1) one-twenty second of the period spent on during the first ten years of service;

(2) one-sixteenth of the period spent on duty during the years of service;

and

(3) one-eleventh of the period spent on duty thereafter.

3. A Government servant will cease to earn such leave when the earned leave due amounts to -

(a) 120 days in the case of a Government servant in Provincial or Class III Service,

(b) in the case of a Government servant in Class IV Service-

(1) 60 days during the first ten years of service

(2) 90 days during the next ten years of service

For further orders pl. See G.R.F.D. No. 6567/33 dt. 28-4-1949 (231/48/8248) and

For further orders pl. see G.R.F.D. No, LVL 2354 dated 8-6-54 (5-54/9159/4)

Leave rules.
Liberalisation of - in the light of the recommendations of the Central Pay Commission.

G.R.F.D. No. 2706 dt. the 5-1-51 (231/48/8248) and G.R.F.D. No, 6567/33 dt. the 22-2-51 (231/48/25072).

GOVERNMENT OF BOMBAY.

FINANCE DEPARTMENT.

Resolution No. 6567/33.

Bombay Castle, 28th April 1949.

The Government of Bombay has had under consideration the recommendations of the Central Pay Commission in respect of the leave rules applicable to employees of the Central Government. These recommendations have been accepted by the Government of India with slight modifications. It has been decided that the recommendations as modified by the Government of India should be adopted in this Province. Government is accordingly pleased to direct the Revised Leave Rules, 1935., shall be modified to the extent indicated below.

SECTION I.- Government Servants in permanent employ. Earned leave.

2. The earned leave admissible to a Government servant in permanent employ will be -

(a) to a Government servant in Provincial or Class III Service - one-eleventh of the period spent on duty,

(b) to a Government servant in Class IV Service-

(1) one-twenty second of the period spent on during the first ten years of service;

(2) one-sixteenth of the period spent on duty during the years of service;

and

(3) one-eleventh of the period spent on duty thereafter.

3. A Government servant will cease to earn such leave when the earned leave due amounts to -

(a) 120 days in the case of a Government sergant in Provincial or Class III Service,

(b) in the case of a Government servant in Class IV Service-

(1) 60 days during the first ten years of servic

(2) 90 days during

For further orders pl. see G.R.F.D. No. 6567/33 dt. 28-4-1949 (231/48/8248) and

For further orders pl. see G.R.F.D. No. LVL 2354 dated 8-6-54 (S-54/9154)

Leave rules. Liberalisation of - in the light of the recommendations of the Central Pay Commission.

G.R.F.D. No. 2706 dt. the 5-1-51 (231/48/8248) and G.R.F.D. No. 6567/33 dt. the 22-2-51 (231/48/25072).

GOVERNMENT OF BOMBAY.

FINANCE DEPARTMENT.

Resolution No. 6567/33.

Bombay Castle, 28th April 1949.

The Government of Bombay has had under consideration the recommendations of the Central Pay Commission in respect of the leave rules applicable to employees of the Central Government. These recommendations have been accepted by the Government of India with slight modifications. It has been decided that the recommendations as modified by the Government of India should be adopted in this Province. Government is accordingly pleased to direct the Revised Leave Rules, 1935, shall be modified to the extent indicated below.

SECTION I.- Government Servants in permanent employ. Earned leave.

2. The earned leave admissible to a Government servant in permanent employ will be -

(a) to a Government servant in Provincial or Class III Service - one-eleventh of the period spent on duty,

(b) to a Government servant in Class IV Service-

(1) one-twenty second of the period spent on during the first ten years of service;

(2) one-sixteenth of the period spent on duty during the years of service;

and

(3) one-eleventh of the period spent on duty thereafter.

3. A Government servant will cease to earn such leave when the earned leave due amounts to -

(a) 120 days in the case of a Government sergant in Provincial or Class III Service,

(b) in the case of a Government servant in Class IV Service-

(1) 60 days during the first ten years of service

(2) 90 days during the next ten years of

(b) in the case of a Government servant in Class IV Service-

(1) 60 days during the first ten years of service

(2) 90 days during the next ten years of service, and

(3) 120 days thereafter.

Provided that in the case of a Government servant in Provincial Service who spends his earned leave elsewhere than in India (including Foreign Possessions in India), Pakistan, Ceylon, Nepal, Burma or Aden, the limit mentioned in clause (a) will be raised to 180 days.

4. The earned leave admissible to a Government servant of non-Asiatic domicile in Provincial or Class III Service, who is in permanent employ, will be one-seventh of the period spent on duty, provided that when the earned leave due to him amounts to 150 days he shall cease to earn such leave.

5. The earned leave admissible to a Government servant serving in a vacation department in respect of any year in which he is prevented from availing himself of the full vacation is such proportion of the following periods as the number of days of vacation not taken bears to the full vacation.

(a) to a Government servant in Provincial or Class III Service - 30 days,

(b) in the case of a Government servant in Class IV Service-

(1) 60 days during the first ten years of service

(2) 90 days during the next ten years of service, and

(3) 120 days thereafter.

Provided that in the case of a Government servant in Provincial Service who spends his earned leave elsewhere than in India (including Foreign Possessions in India), Pakistan, Ceylon, Nepal, Burma or Aden, the limit mentioned in clause (a) will be raised to 180 days.

4. The earned leave admissible to a Government servant of non-Asiatic domicile in Provincial or Class III Service, who is in permanent employ, will be one-seventh of the period spent on duty, provided that when the earned leave due to him amounts to 150 days he shall cease to earn such leave.

5. The earned leave admissible to a Government servant serving in a vacation department in respect of any year in which he is prevented from availing himself of the full vacation is such proportion of the following periods as the number of days of vacation not taken bears to the full vacation.

(a) to a Government servant in Provincial or Class III Service - 30 days,

(b) to a Government servant in Class IV Service -

(1) 15 days during the first ten years of service,

(2) 20 days during the next ten years of service, and

(3) 30 days thereafter, and

(c) to a Government servant mentioned in paragraph 4-

45 days.

If in any year a Government servant dies not avail himself of the vacation, earned leave will be admissible to him in respect of that year in accordance with the provisions of paragraphs 2 to 4.

Half pay leave.

6. The present practice of providing separate lump credits of half pay leave in the shape of leave on private affairs and leave on medical certificate will be discontinued. Such leave will be pooled and can be availed of on private affairs as well as on medical certificate. It will be earned in the course of service at the following rates for each completed year of service:-

(a) 20 days in the case of a Government servants in Provincial or Class III Service, and

(b) in the case of a Government servant in Class IV Service -

(1) 15 days during the first twenty years of service and

(2) 20 days thereafter.

Commuted leave.

7. At his option, a Government servant can have the half pay leave due converted into half the amount of full pay leave. Such converted leave will be termed "commuted leave". It will be granted only on medical certificate, subject to limit of 180 days during the entire service.

Leave not due.

8. Save in the case of leave preparatory to retirement leave not due may be granted on midical certificate,

in paragraph 2,3,5,6 and 9 means continuous service of the specified duration under the Government of Bombay and includes periods spent on duty as well as on leave (including extraordinary leave).

Section III.- Leave Salary.

11. A Government servant on earned leave will be entitled to leave salary equal to the greater of the amounts specified below -

(a) the substantive pay on the day before the leave commences, or

(b) (1) in respect of the first 60 days of the earned leave, the average monthly pay earned during the 12 complete months preceding the month in which the leave commences, and

(2) thereafter the average monthly pay earned during the 36 complete months preceding the month in which the leave commences.

"Explanation-. For the purposes of these orders 'substantive pay' means the substantive pay of the permanent post which the Government servant holds substantively or on which he holds a lien or would hold a lien had the lien not been suspended."

12. A Government servant on half pay leave or on leave not due will be entitled to leave salary equal to half the substantive pay or half the amount specified in clause (2) of paragraph 11(b), whichever is greater, but always subject to a maximum of Rs. 750 permensem.

13. A Government servant on commuted leave will be entitled to leave salary equal to twice the amount admissible under paragraph 12.

Section IV.- Limit on combination of earned leave, commuted leave and vacation.

14. The combination of earned leave and vacation will be subject to the limits indicated in clauses (a) and (b) of paragraph 3. The combination of earned leave and commuted leave will be limited

such leave being limited to 180 days, during the entire service. This will be debited against the half pay leave which the Government servant earns subsequently. Leave not due should be granted only if the authority empowered to sanction leave is satisfied that there is a reasonable prospect of the Government servant returning to duty on the expiry of the leave and earning an equal amount of half pay leave thereafter.

Section II- Government servants not in Permanent Employ.

9. On completion of one year's continuous service a Government servant who is not in permanent employ will be eligible for the leave terms indicated in Section I except that he will not be eligible for any leave not due. The provisions relating to earned leave will not have any retrospective effect in such cases, i.e. he will begin earning earned leave at the rate mentioned in paragraph 2 only from the date on which the second year of service commences. He will, however, be eligible for half pay leave in respect of the first year of service at the rate mentioned in paragraph 6.

10. In respect of the first year of his service the earned leave admissible to a Government servant not in permanent employ will be -

(a) to a Government servant in Provincial or Class III Service -

one-twenty second of the period spent on duty;

(b) to a Government servant in Class IV service-

one-thirtieth of the period spent on duty.

A Government servant not in permanent employ and serving in a vacation department will not be eligible for any earned leave in respect of the first year of his service.

Explanation.- The term "first ten/twenty years of service", next ten years of service, "completed year of service" or "one Year's continuous service" used

in .....

to 180 days whether such leave is availed of in India or out of India. The maximum limit of 180 days will apply to the combination of earned leave, vacation and commuted leave. There will be no limit on the half pay leave that can be availed of at a time on medical certificate or private affairs. This will apply even when such leave is taken preparatory to retirement.

Section V.- Miscellaneous.

15. These orders will take effect from the 1st February 1949. The earned leave to the credit of a Government servant on that date will be carried forward and there will be no retrospective calculation of such leave. In view of the proviso to paragraph 3 the earned leave admissible to a Government servant in Provincial Service after he has accumulated 120 days of such leave should be credited separately up to 60 days. This extra credit should be utilised only when the leave required is ex-India and the Government servant has exhausted his normal credit of earned leave. As the basis of half pay leave has been changed, it will be necessary to make retrospective calculations in respect of such leave for the entire continuous service of a Government servant. The half pay leave to be carried forward under these orders will, therefore, be the total half pay leave earned in respect of completed years of service on the 1st February 1949, reduced by the amount of leave on private affairs and leave on medical certificate availed of prior to that date. If this calculation results in a minus balance, it should be adjusted against the half pay leave that will be earned subsequently, such minus balance being treated as leave not due for the purposes of the 180 days' limit indicated in paragraph 8. These orders also do not authorise the retrospective calculation of leave salary in respect of the leave

availed of before the 1st February 1949. In the case of a person on leave on that date, leave salary calculated on the basis of these orders should be granted with effect from that date.

16. These provisions do not in any way affect the provisions of rules 1 to 7, 10, 11(a), 14 and 15(3) of the Revised Leave Rules except that the term "Leave" defined in rule 4 will include earned leave, half pay leave, commuted leave, leave not due and extraordinary leave. The grant of half pay leave on medical certificate and commuted leave will also continue to be subject to the production of medical certificate from the prescribed medical authority and ~~ax~~ for a period not exceeding that recommended by such medical authority.

17. When the Revised Leave Rules, 1935, were introduced, certain equivalents of the terms, "leave on average pay not exceeding four months", "leave not exceeding four months", etc., were evolved. These equivalents have been indicated in the annexure to those rules (vide Appendix ~~XXXX~~ XLIV-A to the Bombay Civil Services Rules) and may be modified in the light of the limits indicated in clauses (a) and (b) of paragraph 3. In cases of doubt the matter should be referred to the Finance Department.

18. Necessary amendments to be Revised Leave Rules, 1935, will issue in due course.

By order of the Governor of Bombay,

Sd. J. SANTOS,
Financial Adviser to Government.

G.R., No. 6567/33, F.D., dated the 28th April 1949.

To .....

To

The Accountant General, Bombay,

The Private Secretary to the Governor,

The Comptroller, Governor's Household,

The Secretary, Bombay Public Service Commission,

*The Prothonotary and Senior Master, His Majesty's High Court, Bombay,

*The Registrar of His Majesty's High Court, Appellate Side, Bombay,

The Examiner, Local Fund Accounts, Bombay,

The Right Reverend the Lord Bishop of Bombay,

The Reverend the Presidency Senior Chaplain, Church of Scotland , Bombay,

All Departments of the Secretariat,

All other Heads of Departments under the several Departments of the Secretariat,

All Heads of Offices,

The Director of Publicity,

The Enquiry Officer, Secretariat.

*By letter.

No. of 1949.

Copy forwarded for information and guidance to

Leave Rules.

Liberalisation of - in the light of the recommendations of the Central Pay Commission.

GOVERNMENT OF BOMBAY.

FINANCE DEPARTMENT.

Resolution No.6567/33.

Bombay Castle, 5th August 1949.

RESOLUTION OF GOVERNMENT.

Government is pleased to direct that the following explanation should be added below paragraph 11 of Government Resolution, Finance Department, No. 6567/33, dated 28th April 1949, on the subject mentioned above:-

"Explanation.- For the purposes of these order 'substantive pay' means the substantive pay of the permanent post which the Government servant holds substantively or on which he holds a lien or would hold a lien had the lien not been suspended,"

By order of the Governor of Bombay,

Sd. V.M. JOSHI,

Deputy Secretary to Government.

To

The Accountant General, Bombay,

The Private Secretary to the Governor,

The Comptroller, Governor's Household,

The Secretary, Bombay Public Service Commission,

*The Prothonotary and Senior Master, His Majesty's High court, Bombay,

*The Registrar of His Majesty's High Court, Appellate Side, Bombay,

The Examiner, Local Fund Accounts, Bombay,

The Right Reverend the Lord Bishop of Bombay,

The Reverend the Presidency Senior Chaplain of Scotland, Bombay,

All Departments of the Secretariat,

A[illegible]

All other Heads of Departments under the several Departments of the Secretariat.

All Heads of Offices,

The Director of Publicity,

The Enquiry Officer, Secretariat.

*by letter.

No. of 1949.

Copy forwarded for information and guidance to

Retrenchment:
Resulting from cessation of hostilities.

For further orders Pl. see G., R.F.D No, 6384/33 dt the 13-6-51 (2866/36/29710)

GOVERNMENT OF BOMBAY.

FINANCE DEPARTMENT.

Resolution No.6384/33.

For further orders pl. see G. R.F.D. No, 6384/33 dt. the 10-3-50 (2866/36/29895)

Bombay Castle, 29th August 1949.

RESOLUTION OF GOVERNMENT.

In continuation of the orders issued in Government Resolution, Finance Department, No, 6384/33, dated 2nd April 1949, Government is pleased to direct that the orders contained in Government Resolution, Finance Department, No. 2053/33, dated 12th July 1945 and last continued ~~x~~ up to 31st March 1949, should continue to remain in force till 31st March 1950.

By order of the Governor of Bombay,

Sd. D.H. DAMLE,

Under Secretary to Government.

To

The Accountant General, Bombay,

*The Prothonotary and Senior Master, His Majesty's High Court, Bombay,

*The Registrar of His Majesty's High Court of Judicature, Appellate Side, Bombay,

All Heads of Offices under the several Departments of the Secretariat,

All Departments of the Secretariat.

*By letter.

No. of 1949.

Copy forwarded for information and guidance to -

E.B.(I). P.W.D.

Submitted for information.

Id/-1-11-49. Thro, E B (II) and (III)

Accumulation of leave by Government Servants.
Government's policy regarding-

GOVERNMENT OF BOMBAY.

FINANCE DEPARTMENT.

Circular No. 6567/33.

Bombay Castle, 26th Sept.1949.

CIRCULAR OF GOVERNMENT.

Orders sanctioning liberalisation of the Revised Leave Rules, 1935, have been issued in Government Resolution, Finance Department No. 6567/33, dated 28th April 1949. In regard to the question of accumulation of leave, the Central Pay Commission have recommended that as a matter of principle, public servants should not merely be encouraged but even compelled to take leave at short intervals so that the public service may have the benifit of their return to duty in renewed health. The Government of Bombay agrees that Government servants should be induced to take leave at short intervals.

2. The object of the limits imposed on accumulation of leave by the Revised Leave Rules, 1935, is to encourage Government servants subject to these rules to avail themselves of their earned leave at short intervals. The liberalisation of leave rules sanctioned in Government Resolution No. 6567/33, dated 28th April 1949, is calculated further to secure this object. It is true that Government servants subject to the Ordinary Leave Rules, i.e. old (pre-1931) entrants can accumulate earned leave without any limit, but their privilege is left undisturbed in the expectation that the old entrants being in the later half of their service, would appreciate the need of their taking leave at regular intervals for recuperation of their health in the interest of their efficiency. It is, however, necessary to

to ensure that the privilege conferred by the Ordinary Leave Rules is not misused at the cost of efficiency of public service.

3. All Heads of Offices and Authorities sanctioning leave should see that all Government servants, and particularly the old entrants, are encouraged to take leave at regular intervals, say, every one or two years with a view to ensure that the public service has the benifit of their return to duty in renewed health.

By order of the Governor of Bombay,

Sd. V.M. JOSHI,
Deputy Secretary to Government.

G.C.,F.D., No. 6567/33, dt. 26th September 1949.

To

The Accountant General, Bombay,

The Private Secretary to the Governor,

The Comptroller, Governor's Household,

The Secretary, Bombay Public Service Commission,

*The Prothonotary and Senior Master, His Majesty's High Court, Bombay,

*The Registrar of His Majesty's High Court, Appellate Side, Bombay,

The Examiner, Local Fund Accounts, Bombay,

The Right Reverend the Lord Bishop of Bombay,

The Reverend the Presidency Senior Chaplain, Church of Scotland, Bombay,

All Departments of the Secretariat,

All other Heads of Departments under the several Departments of the Secretariat,

All Heads of Offices,

The Director of Publicity,

The Enquiry Officer, Secretariat.

*By letter.

No. of 1949.

Copy forwarded for information and guidance to -

No. 6567/33/13858-X. Finance Department,
Bombay Castel, 3rd March 1950.

From

The Assistant Secretary to the Government of bombay, Finance Department.

To

The Accountant General, Bombay,

Subject:- Liberalisation of Leave Rules as per Government Resolution, Finance Department, No. 6567/33, dated 28th April 1950.

With reference to your letter, No. DA-II.N.D.28/6459, dated 3rd March 1950, I am directed to state that Rule 9(b) of the Revised Leave Rules, 1935, has been superseded by the provisions of the Government Resolution, Finance Department, No. 6567/33, dated 28th April 1949. Accordingly it is now permissible to grant earned leave to a temporary Government servant in Class IV service even if it involves extra cost to Government.

Sd. V.D. GANGAL,

Assistant Secretary to the Government of Bombay, Finance Department.

.....

No. 6567/33/13858-X. Finance Department,
Bombay Castle, 19th March 1950.

Copy forwarded for information and guidance to -

the Private Secretary to the Governor,

the Comptroller, Governor's Household,

the Secretary, Bombay Public Service Commission,

*the Prothonotary and Senior Master, High Court, Bombay,

*the Registrar of High Court, Appellete Side, Bombay,

the Examiner, Local Funds Accounts, Bombay,

the Right Reverend the Lord Bishop of Bombay,

the Reverend the Presidency Senior Chaplain, Church of Scotland, Bombay,

All Departments of the Secretariat,

All other Heads of Departments under the Several Departments of the Secretariat,

All Heads of Offices,

The Director of Publicity,

The Enquiry Officer, Secretariat.

By order of the Governor of Bombay,

Sd/-

Assistant Secretary to the Government of Bombay,
Finance Department.

*By letter.

Letter.

No. A.26/19812
Electric Grid Offices,
Foreshore Road,
Bombay, 1. 22nd August 1950.

To

The Secretary to Government,
Public Works Department,
Bombay.

Subject:- Leave salary to Government servants in the Electric Grid.

I have to invite a reference to para 11 of the Government Resolution, Finance Department, No. 6567/33 dated 28/4/49 under which a Government servant on earned leave is entitled to leave salary equal to his substantive pay on the day before his leave commences or the average monthly pay earned during the 12 complete months preceding the month in which the leave commences, whichever is greater.

2. Accordingly, leave salaries of persons borne on this establishment were preferred at the rate of their monthly pay and not the average pay (the former being greater) and the pay bills were passed for payment without any objection.

3. Recently the Accountant General, Bombay, has raised a doubt as to whether the staff of this department is entitled to leave salary based on the average monthly pay earned during the last 12 months or the substantive pay as claimed by this office. His contention is that the whole establishment under me is temporary and therefore the pay drawn by the staff cannot be taken to mean the substantive pay - this term being restricted only to permanent posts.

4. In this connection I am point out that the posts sanctioned for this department are usually for a period of three years and more and thus the incumbents hold substantively temporary posts. On this same analogy, even officiating arrangements are being made when per-

persons ....

persons go on leave. Note below Rule 9(56) of B.C.S.R. Volume allows such posts to be treated as quasi-permanent. It therefore follows that the persons appointed to these posts substantively draw substantive pay and are entitled to leave salary at substantive pay.

5. If the Accountant General's view is accepted, leave salary of the staff will have to be preferred on the average monthly pay basis and every such case will have to be supported by average pay calculation sheets which would mean a lot of calculation work. In a large semi-permanent organisation as this, cases of persons proceeding on leave are numerous and it will be very difficult to submit the monthly salary bills to Accountant General in time. Besides, the difference between the monthly pay drawn and the average pay worked out is so trifling that it is hardly worth while to go in for such calculations.

It is therefore, requested that Government may please be moved to treat the staff of this department permanent for the purpose of drawing leave salary based on the monthly pays they are in receipt of.

Early orders are requested.

Sd/-

Electrical Commissioner
with the Government of Bombay.

.....

Reminder.

No. A.26/22311
Electric Grid Offices,
Foreshore Road,
Bombay,1. 20th Sept. 50.

To

The Secretary to Government,
Public Works Department,
Bombay.

Subject:- Leave salary to Government servants in the Electric Grid.

Reference:- This office letter No. A.26/19812 dated 22/8/50.

I have to invite a reference to the letter cited above and to request you kindly to communicate Government orders thereon at an early date.

Sd/-

For Electrical Commissioner
with the Government of Bombay.

Letter.

No. 231/48-B(II). Public Works Department,
Bombay Castle (Bombay No. 1),
12th October 1950.

To

The Electrical Commissioner with the Government of Bombay.

Subject:- Leave salary to Government servants in the Electric Grid.

.....

Reference: Correspondence resting with your letter No . A.26/22311, dated the 20th Sept. 1950.

2. Your proposal to treat the staff of your department as permanent for the purpose of drawing leave salary based on the monthly pays they are in receipt of, cannot be accepted.

By order of the Government of Bombay,

Sd/-

Deputy Secretary to the Government of Bombay, Public Works Department.

D.A.- Nil.

.....

Commuted leave.
Admissible under the Revised Leave Rules, 1935-
Treatment of - for Bombay Civil Rules.

GOVERNMENT OF BOMBAY.

FINANCE DEPARTMENT.

Resolution No. 2706.

Bombay Castle, 5th Jan.1951.

RESOLUTION OF GOVERNMENT.

The Government of Bombay has had under consideration the question as to whether the half pay leave commuted under paragraph 7 of Government Resolution, Finance Department, No. 6567/33, dated 28th April 1949, into half the amount of full pay leave can be treated as leave on average pay for the purposes of the Bombay Civil Services Rules. It has now been decided that such "Commuted leave" should be treated in the same way as leave on half average pay for the purposes of the aforesaid Rules.

By order of the Governor of Bombay,

Sd. D.H. DAMLE,
Under Secretary to Government.

To

The Accountant General, Bombay,

The Deputy Accountant General, Baroda,

The Secretary to the Governor,

*Prothonotary and Senior Master, High Court, Bombay,

*The Registrar, High Court, Appellate Side, Bombay,

All Departments of the Secretariat,

All Heads of offices under the several Departments of the Secretariat,

The Secretary to the Honourable Chief Minister

*By letter.

No. of 1951.

Copy forwarded for information and guidance to

Leave Rules:
Liberalisation of - in the light of the recommendations of the Central Pay Commission.

GOVERNMENT OF BOMBAY.

FINANCE DEPARTMENT.

Resolution No.6567/33.

Bombay Castle, 22nd Feb.1951.

RESOLUTION OF GOVERNMENT.

Under paragraph 15 of Government Resolution No. 6567/33, dated the 28th April 1949, retrospective calculations have to be made in respect of half pay leave for the entire continuous service of a Government servant and the half pay leave to be carried forward on the 1st February 1949 is the total half pay leave earned in respect of completed years of service on the 1st February 1949, less the amount of leave on private affairs and leave on mediacal certificate availed of prior to that date. Doubts have been raised as to whether the next credit to the half pay leave account should be made on the date a Government servant completes another year of service in the normal course or on the 1st February 1950, i.e. after completion of one year's service after 1st February 1949. Under paragraph 6 of the Government Resolution mentioned above, half pay leave is admissible in respect of each completed year of service. The half pay leave to be carried forward on the 1st February 1949 is, therefore, the amount of leave which accrued on that date in respect of completed years of previous service less the leave taken on medical certificate and private affairs. Such leave in respect of any fraction of a year's service left over on the 1st February 1949 accrues on completion of another year of service which will include the fraction left over on the 1st February 1949. To illustrate the point, in the case of a person who entered service on the 1st September 1947 and who

has ....

has taken no leave on medical certificate or private affairs, the credit to the half pay leave account on the 1st February 1949 will be 20 days and the person will get a further credit of 20 days on the 1st September 1949.

By order of the Governor of Bombay,

Sd. D.H. DAMLE,
Deputy Secretary to Government.

To

The Accountant General, Bombay,
The Deputy Accountant General, Baroda,
The Secretary to the Governor,
The Comptroller, Governor's Household,
The Secretary, Bombay Public Service Commission,
The Secretary to the Honourable Chief Minister,
*The Prothonotary and Senior Master, High Court, Bombay,
*The Registrar, High Court, Appellate Side, Bombay,
The Examiner of Local Fund Accounts, Bombay,
All Departments of the Secretariat,
All other Heads of Departments under the several Departments of the Secretariat,
All Heads of Offices,
The Director of Publicity,
The Enquiry Officer, Secretariat.

*By letter.

No. of 1951.

Copy forwarded for information and guidance to -

Leave terms for officers engaged on contract.

GOVERNMENT OF BOMBAY.

FINANCE DEPARTMENT.

Resolution No. 6567/33.

Bombay Castle, 4th Sep.1950.

RESOLUTION OF GOVERNMENT.

As a result of the liberalisation of the Revised Leave Rules, 1935, on the recommendations of the Central Pay Commission, the question of revising the rules regulating the grant of leave to Government servants engaged on contract in connection with the affairs of the State of Bombay (as contained in Appendix LII to Bombay Civil Service Rules Manual, Volume II) has been under the consideration of Government. Government is now pleased to direct that in matters of leave the Government servants to whom the rules in Appendix LII to Bombay Civil Services Rules Manual, Volume II apply, shall be governed mutatis mutandis by the Revised Leave Rules, 1935, for the time being in force, subject to the following provisions and to the special provisions, if any, in the contract:-

(1) Where the contract is for a period not exceeding five years the said rules shall apply to the officer as to an officer not in permanent employ:

Provided that no half pay leave shall be admissible to such an officer otherwise than on medical certificate.

Provided further that no extraordinary leave shall be admissible to such an officer if the contract is for one year or less, and if the contract is for more than one year but not more than five years, the total amount of extraordinary leave admissible during the entire period of the contract shall be limited to three months.

A---substitute by '*'.

Provided further that if the contract is for a year or less, no leave shall be granted beyond the date of expiry of the contract even if the officer has been

denied in whole or in part on account of the exigencies of the public service, leave which was due to him during the entire period of the contract.

(2) Where the contract is for a longer term than five years and where an original contract for five years or less is extended so as to make the total period of contract longer than five years, the said Rules shall apply to the officer as to an officer in permanent employ.

Provided that no half pay leave shall be admissible to such an officer otherwise than on medical certificate.

Provided further that in matters of extraordinary leave the said Rules shall apply to such an officer as to an officer not in permanent employ.

Note.- In this case of extension of contract for a period longer than five years, the officer will be credited with the earned leave that would have been admissible had the contract been intially one of more than five years diminished by any leave already taken.

(3) Where the contract is for an indefinite period or an original contract for a definite period is extended for an indefinite period, the said Rules shall apply to the officer as to an officer in permanent employ.

Note .- In the case of extension of a contract for an indefinite period, the officer will be credited with earned leave that would have been admissible had the contract been initially one for an indefinite pefiod diminished by any earned leave already taken.

(4) (i) An officer on earned leave or on commuted leave will be entitled to leave salary equal to his average pay, subject to a maximum of Rs. 1,500 per mensem in the case of commuted leave.

(ii) An officer on leave on half pay or on leave not due is entitled to leave salary equal to half his average pay subject in either case to a maximum of Rs. 750 per mensem.

Note .....

Note.- "Average Pay" means the average monthly pay earned during the 12 complete months preceeding the month in which the event occurs which necessitates the calculation of average pay.

(5) An officer initially engaged on contract on his being taken into permanent employ will be credited with the earned leave that would have been admissible had his previous duty been duty as an officer in permanent employ diminished by any earned leave already taken.

(6) The provisions of para 4 of the Government Resolution , Finance Department, No. 6567/33, dated 28th April 1949, shall not apply in the case of any officer of non-Asiatic domicile.

(7) Unless it is indicated in the contract to which class of Service the officer belongs, the competent authority shall declare to which class of Service the officer belongs for the purpose of the Revised Leave Rules, 1935.

2. These orders taken effect from 1st February 1949, but a contract officer in service on the date of the issue of this Government Resolution will have the option to retain his existing leave terms in respect of his subsisting contract. An officer who decides to retain his existing leave terms in respect of his subsisting contract should communicate his decision in writing to his Accounts Officer or the Head of his office, as the case may be, within three months from the date of his this Government Resolution or before he applies for leave for the first time after the issue of this Government Resolution, whichever is earlier. The option once exercised will be final.

* Substitute for 'A' - Provided further that if the contract is for a period exceeding one year leave may be granted beyond the date of expiry of the contract if the officer has been denied in whole or in part on account of the exigiencies of the public service leave which was due to him during the period of the contract.

(Pl. see G.R.F.D. No. LVE 1753 dt. 17-9-54.)

In the case of officers who will be governed by Revised Leave Rules, 1935, in virtue of this Government Resolution, the procedure laid down in paragraph 15 of the Government Resolution, No. ~~86~~ 6567/33, dated 28th April 1949, shall be followed in the matter of carrying forward earned leave and half pay leave to their credit on the 1st February 1949.

In the case of an officer who retains his existing leave terms in respect of his subsisting contract, the Revised Leave Rules, 1935, shall, subject to the provisions in paragraph 1 above, automatically apply in the event of extension of the period of that contract. In such cases the leave to be carried forward to the extended period would be the amount of earned leave due to him on the date on which the extension takes effect and the amount of half pay leave admissible to him had he not elected to retain the existing leave terms in respect of his subsisting contract.

By order of the Governor of Bombay,

Sd. B. VENKATAPPIAH,
Secretary to Government.

G.R., No. 6567/33, F.D., dated 4th September 1950.

To

The Accountant General, Bombay,
The Private Secretary to the Governor,
The Comptroller, Governor's Household,
The Secretary to Honourable the Chief Minister,
The Secretary, Bombay Public Service, Commission,
* The Prothonotary and Senior Master, High Court, Bombay,
* The Registrar, High Court, Appellate Side, Bombay,
The Examiner, Local Fund Accounts, Bombay,
All Departments of the Secretariat,

All.....

All other Heads of Departments under the several Departments of the Secretariat,

All Heads of Offices,

The Deputy Accountant General, Baroda,

The Director of Publicity,

The Enquiry Officer, Secretariat.

*By letter.

No. of 1950.

Copy forwarded for information and guidance to -

Leave Rules.

GOVERNMENT OF BOMBAY.

FINANCE DEPARTMENT.

Resolution No. 2706.

Bombay Castle, 31st August 1950.

RESOLUTION OF GOVERNMENT.

In exercise of the powers conferred by the proviso to Article 309 of the constitution of India, the Governor of Bombay is pleased to direct that the following amendment should be made in the Bombay Civil Services Rules Manual, Volume II (Reprint):-

Page 280, Appendix XLIV-A.

Insert the following Explanation below rule 6 in this Appendix:-

"Explanation- For the purpose of this rule a Government servant may be deemed to have been denied leave only if, in sufficient time before the date on which he must compulsorily retire or the date on which his duties finally cease, he has either formally applied for leave and been refused it on the ground of exigencies of public service or has ascertained in writing from the sanctioning authority that leave if applied for, would not be granted on the aforesaid grounds."

By order of the Governor of Bombay,

Sd. V.M. JOSHI,

Deputy Secretary to Government.

To

The Accountant General, Bombay,

The Deputy Accountant General, Baroda,

*The Prothonotary and Senior Master, High Court, Bombay,

*The Registrar, High Court of Judicature, Appellate Side, Bombay,

The Secretary to the Governor,

All Departments of the Secretariat,

All Heads of Offices under the several Departments

of the Secretariat,

The Enquiry Officer, Secretariat,

The Secretary to the Honourable the Chief Minister.

*By letter.

No. of 1950.

Copy forwarded for information and guidance to -

Leave:
Grant of - to Class III Government servants paid from Contingencies,

GOVERNMENT OF BOMBAY.

FINANCE DEPARTMENT.

Resolution No. 2701/33.

Bombay Castle, 12th Jan. 1951.

Resolution:- Government is pleased to direct that Class III Government servants paid from contingencies may be allowed the leave terms admissible to Government servants not in permanent employ. Government is further pleased to direct that the following posts in the Prohibition and Excise Department which are paid from contingencies sho-uld be treated as belonging to Class III service for all purposes.

Serial No.	Name of the post.	Pay.
1.	Organizers	Ranging from Rs. 40 per mensem to Rs. 150 per mensem (Consolidated),
2.	Assistant Organizers	Rs. 50 per mensem to Rs. 55 per mensem (Consolidated),
3.	Prohibition Supervisors.	Rs. 60 per mensem (Consolidated),
4.	Prohibition Organizers.	Rs. 35 per mensem (Consolidated)
5.	Pracharaks	Rs. 125 per mensem (Consolidated),
6.	Canteen Manager.	Rs. 80 per mensem plus dearness allowance,
7.	Assistant Canteen Manager	Rs. 50 per mensem plus dearness allowance.

2. A suitable correction slip to Rule 48-A of the Manual of Contingent Expenditure will be issued, separately.

By order of the Governor of Bombay,

Sd. D.E. MAHAJAN,

Under Secretary to Government.

To

The Accountant General, Bombay,

The Deputy Accountant General, Baroda,

The Commissioner of Prohibition and Excise,

*The Registrar, High Court, Appellate Side, Bombay,

*The Prothonotary and Senior Master, High Court, Bombay,

All other Heads of Offices under the several Departments of the Secretariat,

All Departments of the Secretariat.

*By letter.

No. of 1951.

Copy forwarded for information and guidance to -

No. IHS/20/1714 of 1950.
Office of the Director, D.D. Chawls,
P.W.D. Secretariat, Fort,
Bombay 1, 17th October 1950.

To

The Secretary to Government,
Labour and Housing Department,
Bombay.

Subject:- Grant of maternity leave.

.....

Sir,

A female sweeper employed in D.D.Chawls applied for maternity leave on the ground of abortion. As note below rule 771 of the B.S.C. Rules has a mention of miscarrige only and not of abortion, the question of granting of leave to her could not be decided. A reference was, therefore, made to the Accountant General Bombay, whether maternity leave can be granted in the cases of abortion. He has replied that such cases are not covered by the note below B.C.S. Rule 771. As this appeared to be doubtful , opinion of the Medical Officer-in-charge, Cama & Albless Hospitals was sought for and that officer has expressed the opinion that abortion and miscarriage mean the same incident with slight difference in the periods of their occurrances and that in either case 4 to 6 weeks leave is considered necessary after either incident, vide copy of her letter No. 9/1622, dated 7-7-1950 enclosed. The Accountant General, Bombay, was informed of the opinion offered by the Medical Authorities; but he has re-iterated his opinion that the note below the B.C.S. Rule quoted above does not exacly cover the cases of abortion and that specific orders of Government should be obtained. I therefore, request that Government may please be moved to issue necessary orders giving a ruling over the objection raised by the Accountant General, Bombay in view

of ....

of the opinion expressed by the Medical Authorities.

Yours faithfully,

Sd/-

Director, D.D.Chawls.

Encl:- 1 Copy of
letter.

Letter.

No. 231/48-E(II). Public Works Department,
Bombay Castle (Bombay No. 1),
23rd February 1951.

To

The Director, Development Department Chawls.

Subject:- Maternity Leave.

.....

Reference: Your letter No. IHS/20/1714, dated the 17th October 1950 addressed to the Secretary to Government, Labour and Housing Department .

2. Sanction is accorded to the grant of six weeks leave on average pay to the female sweeper in the Development Department Chawls from the dated of abortion.

3. Government is also pleased to direct that Maternity leave as admissible under Rule 771 of the Bombay Civil Services Rules Manual, Volume I, should be granted in the case of abortion.

4. The necessary correction slip in the matter will be issued in due course by the Finance Department.

By order of the Governor of Bombay,

Sd. D.N. Dhruwala,

Assistant Secretary to the Government,
of Bombay, Public Works Department.

D.A.- Nil.

Copy forwarded to -

the Finance Department,

the Accountant General, Bombay,
(through theFinance Department),

the Deputy Accountant General, Baroda,
(through the Finance Department),

the other Departments of the Secretariat,

the Chief Engineer, Public Works Department,

the Chief Engineer, Electric Grid,

the Superintending Engineers of Circles,

the Electrical Engineer to Government,

the ....

the Public Health Engineer to Government,

the Architect to Government,

the Executive Engineers of Divisions,

all other Heads of Departments of offices
under the several Departments of the Secretariat,

the Enquiry Officer, Secretariat, Bombay,

the Port Officer, Okha,

for information.

No. GV/BSE/1468.
Bombay 19th June .1952.

From

THE ACCOUNTANT GENERAL,
BOMBAY.

To

The Secretary to the Government of Bombay.
Public Works Department,
Bombay.

Sir,

Subject:- Delegation of powers to the Superintending Engineers regarding grant of leave -

I am to invite a reference to item 29 of Chapter XV in Appendix I to B.C.S. Rs. (on page 35 of B.C.S. Rs. Vol. II) according to which Superintending Engineers are empowered to grant leave to members of the Bombay Service of Engineers Class 1 and II provided that the officers are not in charge of any Executive Divisions or are not of the status of an Executive Engineer and to enquire whether in the case of a Dy.Engr. who has been officiating as Executive Engineer and who proceeds on leave immediately on reversion to his lower post, the Superintending Engineer or C.E. is empowered to grant the leave.

2. Shri G.B. Bapat, handed over charge of the post of Offg. Executive Engineer on the afternoon of 3-3-52 and was reverted as Divisional Engineer in the Deccan Irrigation Circle under Govt. P.W.D. confindential No. LTS/1151 B dt. 22-2-52, and was granted leave with effect from 4-3-52 by the Superintending Engineer, Deccan Irrigation Circle, Poona in his notification No. 6248 dated 1-3-52. It is pointed out by the Superintending Engineer that as Government had to issue orders reverting Shri Bapat as Dy. Engineer on relinquishing his offg. appointment the officer did not have the status of an Executive Engineer at the time leave is availed of by him and that Govt.'s sanction is therefore not necessary.

3. It may be observed that Shri Bhapat did not actually assume charge of his appointment as a Dy. Engr. before

proceeding on leave and that when leave is sanctioned by the S.E. he was actually officiating in thepost of an Executive Engineer. In the circumstances it is considered that having regard to the proviso to item 29 in Chapter XV of App. I to the B.C.S.Rs . quoted above Govt. sanction is required to the grant of leave to the officer.

4. It may kindly be stated whether the view expressed above is in accordance with the intention of Govt. or the position may kindly be clarified.

Yours faithfully,

Sd/-

Assistant Accounts Officer.

.....

No. GV/BSE/1468.
Bombay 19th June .1952.

From

THE ACCOUNTANT GENERAL,
BOMBAY.

To

The Secretary to the Government of Bombay,
Public Works Department,
Bombay.

Sir,

Subject:- Delegation of powers to the Superintending Engineers regarding grant of leave -

I am to invite a reference to item 29 of Chapter XV in Appendix I to B.C.S. Rs. (on page 35 of B.C.S. Rs. Vol. II) according to which Superintending Engineers are empowered to grant leave to members of the Bombay Service of Engineers Class I and II provided that the officers are not in charge of any Executive Divisions or are not of the status of an Executive Engineer and to enquire whether in the case of a Dy.Engr. who has been officiating as Executive Engineer and who proceeds on leave immediately on reversion to his lower post, the Superintending Engineer or C.E. is empowered to grant the leave.

2. Shri G.B. Bapat, handed over charge of the post of Offg. Executive Engineer on the afternoon of 3-3-52 and was reverted as Divisional Engineer in the Deccan Irrigation Circle under Govt. P.W.D. confindential No. LTS/1151 B dt. 22-2-52, and was granted leave with effect from 4-3-52 by the Superintending Engineer, Deccan Irrigation Circle, Poona in his notification No. 6248 dated 1-3-52. It is pointed out by the Superintending Engineer that as Government had to issue orders reverting Shri Bapat as Dy. Engineer on relinquishing his offg. appointment the officer did not have the status of an Executive Engineer at the time leave is availed of by him and that Govt.'s sanction is ~~ne~~ therefore not necessary.

3. It may be observed that Shri Bhapat did not actually assume charge of his appointment as a Dy. Engr. before

Letter.

No. 231/48-E.

P.W.D.
B.C., (Bombay No. 1),
11th August 1952.

To

The A.G., Bombay.

Subject:- Delegation of powers to the S.Es. reg. grant of leave.

Reference:- Your letter No. GV/BSE/2213, dated the 1-8-52.

2. The matter is under the consideration of Govt. and necy. orders will be issued as early as possible.

By order of the Governor of Bombay,

Assistant Secretary to the Govt. of Bombay.
P.W.D.

D.A.-Nil.

Id/-
8/8/52.

Letter.

No. 231/48-E.

Public Works Department,
Bombay Castle, (Bombay No. 1),
20th August 1952.

To

The Accountant General, Bombay,

Subject:- Leave:
Authority to sanction leave to the Officiating Executive Engineers who proceed on leave from the date of reversion.

.....

Reference:- Correspondence ending with Government letter No. 231/48-E, dated the 11th August 1951.

2. Your view that according to item 29 in Chapter XV of Appemdix I in the Bombay Civil Services Rules Manual, Volume II, sanction of Government to the grant of leave to the Assistant Engineers, Bombay Service of Engineers Class I, and the Deputy Engineers, Bombay Service of Engineers, Class II, who are officiating as Executive Engineers and who proceed on leave with effect from the date of their reversion as Assistant Engineers or Deputy Engineers, as the case may be, is necessary, irrespective of whether orders about their reversion were issued or not by Government prior to their proceeding on leave, is correct and is hereby confirmed.

3. In view of paragraph 2 above, Government orders for the grant of leave to Shri G.B. Bapat, who was officiating as Executive Engineer, Poona Irrigation Division, and proceeded on leave with effect from the date of his reversion as Deputy Engineer, viz., the 4th March 1952, are necessary and are being issued separately.

By order of the Governor of Bombay,

Sd. K.G. Bhate,

Deputy Secretary to the Government of Bombay, Public Works Deparrment.

D.A-Nil

Copy forwarded to -

the Finance Department,

the Political and Services Department,

the Chief Engineer, Public Works Department,

the Chief Engineer, Bombay Electric Grid,

the Superintending Engineers of Circles,

the Public Health Engineer to Government,

the Electrical Engineer to Government,

the Deputy Accountant General, Baroda,

the Architect to Government,

for information.